IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3733 OF 2006

In

APPEAL NO.758 OF 2006

In

SUMMONS FOR JUDGEMENT NO.198 OF 2006

In

SUMMARY SUIT NO.38 OF 2006

Mr.Pravin K. Trama : Appellant
(Orig.Defendant)

V/s.

Mrs.Mani Sarin w/o. Rakesh Sarin : Respondent
(Orig.Plaintiff)

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Mr.Birendra Saraf i/b. A.K.J.Panicker for the appellant.

Mr.J.V.Patel for the respondent.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : NOVEMBER 8, 2006.

P.C.

Heard.

2. Having considered all aspects and in the totality of the facts and circumstances of the case, particularly that the decree passed against the appellant is a money decree, we grant prayer (b) of the Notice of Motion, subject to

the appellant depositing the entire decretal amount with the Prothonotary & Senior Master of this Court within six weeks from today, with intimation to the respondent.

3. Out of the amount so deposited, the respondent shall be at liberty to withdraw the sum of Rs.5,00,000/- (Rupees Five Lakhs only) on furnishing security to the satisfaction of the Prothonotary & Senior Master.

4. Prothonotary & Senior Master shall invest the remaining amount in Fixed Deposit of any Nationalised Bank initially for a period of two years, renewable thereafter for the same period each time, until the disposal of the appeal. In case the respondent does not furnish security for withdrawal of the sum of Rs.5,00,000/- within one month from the date of deposit, the entire amount deposited by the appellant shall be invested as afore-directed.

5. Prayer (a) of the Notice of Motion shall be considered at the time of hearing of the appeal.

6. Order accordingly.

R.M. LODHA, J.

S.A. BOBDE, J.